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IN THE UNITED STATES DISTRICT COURT
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FOR THE DISTRICT OF ARIZONA
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9 Francisco Guzman,

No. CV-22-00369-PHX-JFM

10 Plaintiff,

ORDER

11 v.

12 Shawn Blick, et al.,

13 Defendants.

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15 This matter was assigned to Magistrate Judge James F. Metcalf. (Doc. 3). On March
16 14, 2022, the Magistrate Judge filed a First Report and Recommendation with this Court,¹
17 recommending that the Plaintiff's Complaint be dismissed for lack of subject matter
jurisdiction. (Doc. 6). After the Report and Recommendation was issued, mail from the
18 Clerk of the Court sent to the Plaintiff was returned as undeliverable. The Magistrate Judge
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20 ¹ This case is assigned to a Magistrate Judge. However, not all parties have consented
21 to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant
to General Order 21-25, which states in relevant part:

22 When a United States Magistrate Judge to whom a civil action has been
23 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be
24 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)
due to incomplete status of election by the parties to consent or not consent
to the full authority of the Magistrate Judge,

25 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and
26 Recommendation for the Chief United States District Judge or designee.

27 **IT IS FURTHER ORDERED** designating the following District Court
28 Judges to review and, if deemed suitable, to sign the order of dismissal on
my behalf:

Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee

1 issued an Order requiring Plaintiff to file a change of address. (Doc. 8). The Plaintiff did
 2 not do so. Consequently, on April 12, 2022, the Magistrate Judge issued a Second Report
 3 and Recommendation, recommending that the action be dismissed for failure to prosecute.
 4 (Doc. 11). To date, no objections have been filed to either Report and Recommendation.

5 **STANDARD OF REVIEW**

6 The Court “may accept, reject, or modify, in whole or in part, the findings or
 7 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v.
 8 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service
 9 of a copy of the Magistrate’s recommendation within which to file specific written
 10 objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a
 11 Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of
 12 the Magistrate Judge’s factual findings and waives all objections to those findings on
 13 appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a
 14 Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of
 15 finding waiver of an issue on appeal.” Id.

16 **DISCUSSION**

17 Having reviewed the Report and Recommendations of the Magistrate Judge, and no
 18 Objections having been made by any party thereto, the Court hereby incorporates and
 19 adopts the reasoning in both Report and Recommendations, adopts in-part the
 20 recommendation of the First Report and Recommendation, and adopts the recommendation
 21 in the Second Report and Recommendation, that is, dismissal without leave to amend.

22 **CONCLUSION**

23 Accordingly, for the reasons set forth,

24 **IT IS ORDERED adopting in-part** the First Report and Recommendation of the
 25 Magistrate Judge. (Doc. 6).

26 **IT IS ORDERED adopting** the Second Report and Recommendation of the
 27 Magistrate Judge. (Doc. 8).

28 **IT IS FURTHER ORDERED dismissing without prejudice** the Complaint.

IT IS FURTHER ORDERED directing the Clerk of the Court to terminate this matter.

Dated this 4th day of May, 2022.

Hannah McNamee

Honorable Stephen M. McNamee
Senior United States District Judge